In the High Court of Punjab and Haryana at Chandigarh.

Civil Revision No.5274 of 2006.

Date of decision:10.10.2006.

D.M.Soni.

...Petitioner.

Versus

Punjab National Bank and others.

...Respondents.

...

Coram: Hon'ble Mr.Justice S.N.Aggarwal.

...

Present: Mr.Ajay Saini Advocate for the petitioner.

...

Judgment.

S. N. Aggarwal, J.

D.M.Soni petitioner filed a civil suit for declaration against the respondents in 1995. He had challenged the inquiry report dated 24.11.1992 as also order dated 14.12.1992 passed on this inquiry report. Issues were framed by the learned trial Court on 18.8.1997. The parties led the evidence. Thereafter, the present application was filed by the petitioner in the year 2006 under Order 14 Rule 1 read with Section 151 CPC for framing of additional issue regarding the legality and validity of the inquiry proceedings/report. The said application was dismissed by the learned trial Court vide order dated 19.9.2006.

Hence, the present petition.

The learned trial Court has already framed the issue regarding legality and validity of punishment order dated 14.12.1992. Therefore, no separate issue was required to be framed regarding the legality and validity of inquiry proceedings as the said order of punishment is based on the said inquiry proceedings/report. The petitioner can prove the illegality or violation of the principles of natural justice in the inquiry proceedings/report under the issue framed regarding legality and validity of the punishment order dated 14.12.1992 because the said order depends upon the legality and validity of inquiry proceedings/report.

The learned trial Court was fully justified in rejecting the application for framing of additional issue.

There is no merit in the present revision petition and the same is dismissed.

October 10,2006. (S. N. Aggarwal)
Jaggi Judge